App. F. IX-4

19

Previous References
A. Leg. 77-35 (1-2)
" " 8-38-1

1934
(Judicial

File No. 9-34
Serial Nos. 1

Later References.

PRESERVED

10.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. One

Part B for May 34

SUBJECT.

Civil Disabilities of Indian X Can
Converts in Mysore

WD 01965—GPB—15,000—7-7-31

M. Abdul Aziz
16. 8. 34.

Serial No.

[illegible] disabilities of Indians under consent in [illegible] Indian · and the like purposes or the [illegible] The application for writs of mandamus in respect of assessments. Similar to Act XXI of 1850 & Bo. Indian Act 1875. In the following days the Court of Judicature decided to enquire into the [illegible] Report.

Later on legislation was in hand in 1911 : But in view of possible opinion having against it, it was not pursued.

In an address to the Bombay in 1920 opinion by the Indians [illegible] matter was again [illegible] The Bombay [illegible] Court [illegible] [illegible] the [illegible]

No. of 193

General and Revenue Secretariat

Serial No.

[illegible] and that
in the case of years when
the Legislature may not
[illegible] a change
must needs have to
be obtained. It remains
the question open.

Since then no representation
has been made to
Government.

No case of hardship
on account of this omission
has been brought to the
notice of Govt. of India
Secretariat for perusal.

Submitted a note
in regard to the
several disabilities
Draft to be sent.

A note re the alleged
disabilities of Christian Converts.

25 FEB. 1934 No. 5276

Serial No.

Will you please speak to me
re Quetta accounts — RG
8/2/34.

The typed note describes the position
of Christian converts under the law as it stands.
Respecting succession, the Christian convert loses
rights as regards ancestral property. But as
to property acquired by him, he may choose
to be governed by Hindu Law.

(8 months of
Devi) RG
13/2/34

MGL
13/2

Ku
14/2/34

MGL
13/2

Mr
16-2-34 RG
14/2

Re Daily Post Editor seems to
a reply. Has a reply to the Secret.

Chief Secretary)

I think it may wait.
Tell the Editor came for a reply.

RE

12/2/34

OFFICE OF THE HIS MAJESTY'S COUNCIL 14 FEB. 1934 5276

If approved this
papers will be returned
now in the ordinary course
later

on
t/s There has been no
reminder from the Editor.
The enclosure has been addressed
to the Editor & has been asked
to be returned direct to us

MSK
14/8/54

May be returned
to the Author

B
14.8.54

4030 / 33

PHONE 151.

THE DAILY POST,

(ESTABLISHED 1873.)

ART & COLOUR PRINTERS, HIGH CLASS BINDERS,
ENGRAVERS & RUBBER-STAMP MAKERS, ETC.

1, MADRAS BANK ROAD.

Bangalore 23rd Jan: 1934.

The Private Secretary
to the Dewan of Mysore
Public Offices - Bangalore

Dear Sir,

The Editor desires that the enclosed copy be forwarded to you with his compliments, and to enquire whether there is any reassuring statement that may be published, as an Editorial footnote to the enclosure when published. Pleas return the enclosure when forwarding your reply at your early convenience, for which we venture t thank you in anticipation.

Yours faithfully
J. G. Thomas
General Manager

Disabilities of Christian converts.

1. Under the Hindu Law, on conversion to Christianity a person is considered civilly dead and the conversion deprives him of his right of inheritance. In order to remove this disability, Act XXI of 1850 (Freedom of Religion Act) was passed in British India. Indian Christian converts in Mysore are legally incapable of asserting their rights to property against the Hindu members of the family from which they have separated. The question of the extension of Act XXI of 1850 to Mysore was raised in the pre-renditon days, but the Government of India did not accede to the request as publi opinion did not appear to be in its favour. Later, in 1911, a Bill was introduced in the Legislative Council but leave was not granted by the Council. Then, in 1922, when a deputation waited upon the Dewan urging the introduction of the measure, the Dewan replied that the Government would have no objection to examine the question afresh if public ~~opinion~~ sentiment undergoes a change, and it was ordered that the question might lie over till a fresh representation is made. No representation seems to have been received since then.

2. Another case of disability arose when on a person changing his religion, such person's wife or husband refused to live with that person. The convert could not remarry so long as the marriage was not

not dissolved. Act XXI of 1866 removed this difficulty in British India by providing for a dissolution of marriage in such cases. That Act has been extended to Mysore so that even the converts in Mysore are not labouring under this difficulty.

3. British Indian Act XV of 1872 which has been extended to Mysore provides for the solemnisation of marriages among Indian Christians.

4. British Indian Act IV of 1869 provides for dissolution of marriage among Christians. There is no such law of divorce in Mysore. A Bill has been prepared for providing for divorce among certain classes of Christians. It has been published for public criticism.

5. In British India Christians are governed by the Indian Succession Act in regard to succession subsequent to its passing in 1865.

But while extending the Succession Act of 1865 to Mysore, Native Christians in Mysore were exempt from the operations of the Act in virtue of the power under S.332 of the Act.

In regard to succession among Indian Christians in Mysore, the law governing it is generally Hindu Law if the converts have not elected to abandon their subjection to it. (16, M.C.C. R. 96 and 29 M.C.C.R 163). The law is settled in Mysore following the principle laid down in Abraham Vs. Abraham

Abraham ~~(29 M.C.C.R at page 168)~~ that conversion to Christianity does not of necessity involve any change of the rights or relations of the convert in matters with which Christianity has no concern, such as his rights and interests in and his powers over property and that he is at liberty to retain so much of the old law as is consistent with his change of status or to adopt the usages of any other class with which the new status allows him to associate himself." (29 Mys. C.C.R 168) If there is no evidence of such election or ^ to abandon his subjection to Hindu Law, it ~~must be~~ ^ is presumed that the old law continues to be applicable.

Thus the only disability that a Christian convert undergoes in Mysore is his forfeiture of rights of succession to the properties of his Hindu relations.

The allegation that Indian Christians in Mysore are governed by the Hindu Law is not quite accurate. It is applicable ~~only~~ to ~~the incident of succession in certain~~ rights over property, guardianship etc i.e. matters with which christianity has no concern. ~~cases~~ The matter lies entirely in the hands of the convert. If he elects to follow the usages of the Christian religion and abandon his subjection to Hindu Law, the latter law will not apply to his properties. In the absence of any such election, a presumption arises that the Hindu Law continues to be applicable to him. There is thus no ' iniquitous disability' in this matter as alleged in the letter. It is well

well known that in mofussil and rural parts many Christians families follow the principles of Hindu Law, and it is very doubtful if opinion of the community in general is in favour of the Succession Act.